

So the Park Service has made some efforts to address the matter. But the fact is that there has not been any real leadership for doing something over a period of time. Instead of facing the problem, the Park Service focused on the theory of natural regulation. As you can see by the events of last year, that natural regulation did not resolve the matter. Natural regulation does not work well when one Federal agency holds the threat over ranchers in the State that they will be stripped of their brucellosis-free status if bison cross into their State. At the same time, another Federal agency encourages wildlife to migrate from the park by not developing a proper management plan. This is precisely, of course, what happened.

It is more a problem in Montana than it is in Wyoming. You at least have a buffer in Wyoming, on both the south and east sides of the park, of a forest wilderness area; whereas, in fact, private property grazing takes place immediately outside of the park on the Montana side.

So, in order to avoid repeating that unfortunate situation, where a good number of bison starved to death in the park and another number was shot as they went out of the park to avoid the problem of brucellosis, we think we need to find a more innovative solution. The time for finger pointing is over. It has been sort of a tough deal out there, with everybody being involved.

What we need is some strong leadership to face the issue. Unfortunately, the President has still not appointed a new Director of the Park Service. It is a little difficult to deal with the Park Service and Interior Department in terms of policy, in terms of the future, when there really is not a permanent Director there. So we clearly need, and it is very vital that we have, focused and solid leadership in the National Park Service. In fact, I have sent a letter today to the President urging he do that.

Along with Chairman MURKOWSKI, I and others on the Senate Energy Committee are willing to work with the administration to develop positive and constructive solutions. As a matter of fact, we have held a couple of general hearings on the park. Our purpose in the next several months will be to take a look at the park to find a way, a very positive way, to strengthen the National Park System. We have about 375 parks. I think they are among the most important elements of our culture and our history, and our effort ought to be increased to maintain those natural resources as well as providing an opportunity for visitors to enjoy them.

So, we are ready to address the tough issues and launch a proparks agenda for this next year to try to make some moves to ensure that this buffalo incident does not occur next year and that we find a solution that protects not only the buffalo, protects not only the resource, but also protects the sur-

rounding States and their very important livestock industries and allows them to remain in a brucellosis-free certification area. So we will be moving forward on that, Mr. President. I appreciate the opportunity, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NUCLEAR WASTE POLICY ACT AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. CRAIG. Mr. President, the Senate has before it at this moment, and has for some days, through tomorrow, the consideration of Senate bill 104, the Nuclear Waste Policy Act of 1997.

Senator FRANK MURKOWSKI, chairman of the Energy and Natural Resources Committee, and myself, along with a good number of others of our colleagues, have recognized the need for this Government and this Congress to clarify its position on high-level nuclear waste and spent fuel in compliance with the Nuclear Waste Policy Act of 1982, as amended in 1987.

As a result of that recognition, that is exactly what we are doing. We are certainly encouraging at this moment a resounding passage of this bill tomorrow.

Mr. President, last week my colleague from Alaska, the chairman of the committee, introduced the substitute. I am discouraged that in spite of all the work we have done, the administration has not withdrawn its veto threat of this legislation.

We have listened to the other side. We have incorporated amendments from the other side. We have now picked up substantially more Members from the other side who are supporting this bill.

I have recently reviewed, once again, the basis for the veto threat and I find no remaining legitimate reason for this administration to be in opposition.

Let me address just a couple of specifics for just a few moments.

The statement of administration policy states that S. 104 would effectively establish Nevada as the site of an interim nuclear storage facility before a viability assessment of Yucca Mountain is completed. Not true. Mr. President, let me repeat, that is an untrue statement.

S. 104 designates the Nevada site as the location for the interim storage facility after—after—the DOE completes the viability assessment in 1998.

The statement of administration policy states that S. 104 would create loopholes in the National Environ-

mental Policy Act. The truth is that the substitute has lengthened the duration of both licensing and public participation opportunities. Again, what the President said and what is in fact in the legislation simply do not relate.

The statement of administration policy states that S. 104 replaces the Environmental Protection Agency's authority to set acceptable radiation release standards with a statutory standard. Again, we have fully addressed this concern. Our substitute reverses the approach on setting an environmental standard for the deep geologic repository. S. 104, as introduced, set a standard of 100 millirem. Last week, I addressed this body and set this 100 millirem in the proper context of everyday risk from everyday living. I noted for my colleagues that we receive an annual radiation dosage of 80 millirem simply by spending most of our time inside the U.S. Senate. Why? It is a product of the radiation that comes from the granite structure around the Senate body itself. In other words, the normal decay of stone that is part of the structure of this Capitol.

We have listened, however, to the concerns of our opponents and the administration, that this legislation should contain a risk-based standard. We have heard discussions. We have listened to those suggestions and adopted the recommendations of the National Academy of Science.

In our openness to enhance the broad bipartisan support already enjoyed by this legislation, we have listened to all of those suggestions. Therefore, our substitute now requires that the Environmental Protection Agency determine a risk-based radiation standard for the repository.

In other words, we tried to utilize all national and international standards that are acceptable to the public, based on science, but were forced to say, OK, you won't believe the truth, then we will allow the Environmental Protection Agency latitude in developing those standards. Our substitute directs that the Environmental Protection Agency set this radiation standard in accordance with the National Academy of Science's recommendations.

Mr. President, I commend my colleague, the chairman of the Energy and Natural Resources Committee, the Senator from Alaska, for conducting a process for developing this legislation and this substitute, in what I believe to be an unprecedented character of openness and willingness to hear and respond to the concerns of our opponents. There is simply, Mr. President, no legitimate remaining basis for the administration's opposition to this legislation. I urge the President of the United States not to fight this Congress. This Congress will soon express its will on the issue and, most likely, the outcome will be the same broad, bipartisan consensus that we developed in the last Congress.

Mr. President, I said a few days ago on this floor that this legislation was

good science and good engineering and good technology, and that there would be one simple reason to oppose it, and that would be political. I stand here today with the amendments the chairman has accepted and the character of this legislation when it comes to final passage. I now can say in fact that there are no impediments for this administration to accept this legislation, except for politics, and politics alone.

I am amazed that the President of the United States can say that, because of his politics, he is willing to ask the American people to pay an additional \$80 billion—or potentially that amount—in a negative environmental situation, when we are standing here today with a very positive environmental move that would cost less than about \$3 billion to develop an interim storage facility. This facility would allow the Congress of the United States and the administration to say to the American people that we will abide by the law, we will adhere to the courts and the laws that have already been passed by past Congresses to develop a deep geologic repository, and we will do so in a timely fashion. That is the issue before the Congress when it considers S. 104.

I hope my colleagues will join with us in a resounding bipartisan vote as we deal with this critical national major environmental issue. We have worked to resolve it in a balanced approach that all can agree with. I think the efforts of Senator MURKOWSKI will be demonstrated in a vote that we see cast on this legislation tomorrow.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, in 1982, Congress passed the Nuclear Waste Policy Act and tasked the Federal Government with the handling of spent nuclear waste from commercial powerplants and military usages. Despite the clear congressional intent of the act, the Department of Energy has avoided and delayed positive action regarding temporary and permanent storage of nuclear waste.

The 1982 act called for a permanent waste repository to be built by 1998. But DOE now says the earliest a repository will be ready is 2010. Given 15 years of relative inaction, this delay and avoidance history does not engender faith that the current administration will address this issue in a timely manner absent congressional action. Regrettably, the country that harnessed energy of the atom can't seem to accomplish the basic task of storing and disposing of waste.

The Federal Government promised nuclear energy consumers that it would develop a plan to dispose of the

waste. Congress obligated the Federal Government to begin the waste collection program in 1998. A Federal court of appeals ruled in 1996 that this is a binding legal obligation.

The Federal Government, therefore, has a binding, legal obligation to pick up the nuclear waste scattered throughout the Nation's coastal communities, farm lands and industrial centers. It must remove used nuclear fuel from 34 States that now store used fuel at nuclear powerplants that were never intended to hold the waste until the end of time.

Due to the foresight of 15 Senators who reported the Nuclear Waste Policy Act of 1997 out of the Energy and Natural Resources Committee and in particular its architects, Senators FRANK MURKOWSKI and LARRY CRAIG, we are here today to put this program back on the road to recovering used fuel from commercial powerplants and DOE facilities that store high-level radioactive waste from defense-related projects. In 30 years of operation, that waste has amounted to a relatively small sum, given that nuclear electricity powers 65 million homes at any given time in the United States. All of the used fuel produced from nuclear electricity during its history, if stacked end to end, would span a football field to a depth of almost 4 yards.

While a permanent repository is the ultimate requirement, no one can legitimately deny that an interim storage facility is an absolute necessity.

Let's talk for a minute about the cost to the public. America's electricity consumers have relied upon the availability of nuclear energy. But such consumption did not occur in a vacuum and without cost. These energy users have already committed nearly \$13 billion to pay for the Federal waste disposal program—a staggering figure considering there's nothing to show for such costs to date except for a few feasibility studies. The bill continues to climb, even as the Department of Energy says it will be unable to start taking used fuel by the 1998 deadline.

Some States are so frustrated by the Federal Government's failure on this program that they are considering withholding their share of the more than \$600 million a year that flows from electricity customers to the U.S. Treasury. How can we blame them?

The Nuclear Waste Policy Act of 1997, would put an end to bureaucratic delays and spiraling program costs by integrating three components:

First, a Federal storage facility for centralized management of used fuel until a permanent disposal facility is ready;

Second, a continued scientific study on a permanent disposal site at Yucca Mountain, NV; and,

Third, a transportation network to move used fuel safely from nuclear powerplants, research reactors and DOE sites to storage and disposal facilities.

It has been argued by some that we cannot safely transport spent or used

nuclear fuel waste from nuclear powerplants to a central storage facility. Certainly the naysayers recognize that we do not intend to throw used nuclear fuel on a truckbed or in a boxcar.

The Nuclear Regulatory Commission has rigid standards about the types of containers it permits nuclear waste to be transported in. All such containers must receive their stamp of approval. Before such approval, containers must undergo an onslaught of tests without breaking open and allowing radiation to escape. They must successively withstand a 30-foot drop onto a flat, unyielding surface; a drop of 40 inches onto a steel spike; and a fully engulfing fire burning at 1,475 degrees Fahrenheit.

For proof of the canisters' performance, look at the safety record of the 2,400-plus shipments of used nuclear fuel that have taken place in the United States during the past three decades. Not one used fuel container has ever ruptured during those trips. Radioactive fuel has never been released, harmed the environment, or caused any injury or public safety threat.

By shipping to a single storage spot, we are reducing the level of risk. A remote, desert location would provide an added margin of safety. Logically, used fuel can be managed more efficiently and effectively at an individual site than it can at multiple sites.

S. 104 goes further to alleviate safety concerns by ensuring that Federal funds and resources are channeled to State and tribal officials for public safety training to handle and manage used fuel long before the first shipment enters their area.

Many of my colleagues know what it's like to have nuclear waste sitting in their backyards. Pennsylvania, for instance, currently stores 2,920 metric tons of uranium at nine nuclear powerplant sites next door to dairy farms and the fourth largest apple producing region in the country. Failure to adopt S. 104 would be irresponsible in the face of current storage arrangements and limitations. By passing S. 104, my colleagues can prove our resolve to end the Nation's nuclear waste dilemma.

Nuclear waste disposal must not become mired in petty politics. There is no better time to act on nuclear waste disposal than now. It's the only prudent and economic course. The greater delay, the greater the costs to taxpayers and electricity consumers. A new user fee mechanism proposed in S. 104 would continue funding nuclear waste disposal on a self-financing basis and adapt the nuclear waste fund to recent changes in the Federal budget process.

Funds originally intended to cover the cost of the nuclear waste disposal program have been diverted elsewhere to offset deficit spending. Detouring waste fund payments may help counteract the deficit, but it does little to further the Federal Government's obligation to managed used nuclear fuel. In

reality, even though consumers have committed more than \$13 billion to the nuclear waste fund, the Energy Department has spent only about \$6 billion. That's about 30 cents on the dollar being spent on the waste program. In America, we live under the premise that you ought to get what you pay for. Our constituents aren't getting what they paid for.

Inaction on the part of Congress in ordering the Energy Department to act could force other complications, including whether State utility regulators will permit additional on-site storage. In Minnesota, the State legislature was forced to settle the issue and established new, high-priced requirements for the utility to meet before securing more waste containers. That costly burden may force utilities to consider shutting down nuclear plants prematurely. Is nuclear electricity to become a casualty of misguided DOE planning or continue, through this legislation, to be a reliable, clean energy source.

Don't forget that this legislation isn't just about finding a suitable spot for commercial nuclear waste. States like Idaho must worry about permanent storage for high-level radioactive waste from defense-related activities and used fuel from research reactors. Idaho is host to a wide range of defense facility wastes at the Idaho National Engineering Laboratory. Cleanup of INEL is likely to take decades. But how does the Federal Government plan to clean up this site if it has no place to dispose of the high-level waste? Leaving it in the vicinity of the Snake River and Sun Valley hardly qualifies as proper action on the part of the Federal Government.

That's why S. 104 calls for DOE to factor those types of used fuel into its capacity at an interim storage facility and ultimately at a permanent underground repository. This amount of waste from defense activities, naval reactors, universities, and foreign research reactors, at a minimum, must be no less than 5 percent of total acceptance during a given year.

At Idaho National Engineering Laboratory, the Department of Energy collects fuel from naval and research reactor projects like Connecticut, and Illinois' Argonne National Laboratory, New Mexico, Maryland, Colorado, and California's Aerotest and General Atomics sites.

DOE is also sending used nuclear fuel to Idaho from foreign research reactors. Idaho National Engineering Laboratory will accept used fuel assemblies from the Pacific rim this year, even though the Federal Government will not commit to taking used fuel from commercial reactors as it is obligated to next year. And while our tax-paying, electricity consuming constituents are shouldering the entire burden to develop a national waste disposal plan, the Department of Energy and the Clinton administration are willing to have our constituents as-

sume the full cost of transporting and managing the spent nuclear fuel from foreign countries with research reactors that can't afford to pay for the service. Why should we be debating this storage issue with Clinton administration opposition when the Department of Energy's position is to help foreign countries with their nuclear waste storage problems before that Department is willing to address our country's own storage problems in a meaningful way?

Most importantly, perhaps, let me say that this legislation is without question the most environmentally sound bill this Congress has the opportunity to approve.

S. 104 fully complies with the National Environmental Policy Act. It calls for environmental impact statements for an interim central storage facility and a permanent, underground repository. Judicial review of both impact statements ensures acceptable health and safety standards. It is designed to choose transportation routes that minimize impact on the environment and population centers—by avoiding densely populated areas and shipping only along specified rail and highway routes. States can also participate in the route selection.

By finding a suitable place to store nuclear waste, it ensures that Americans will continue to enjoy clean, cost-effective nuclear electricity that is part of the U.S. diverse blend of energy sources. Since 1973, our Nation's nuclear powerplants have reduced the cumulative amount of emissions from carbon dioxide, the chief greenhouse gas, by 1.9 billion metric tons of carbon. In fact, it may reasonably be asserted that S. 104 furthers the Clinton administration's climate change action plan, which is intended to achieve a Presidentially imposed U.S. limit to carbon dioxide emissions to 1990 levels by 2000. That's a reduction of 108 million metric tons of carbon.

Madam President, I would like to address our attempts to work with the Clinton administration and the Department of Energy to reach an agreement on how we can expeditiously proceed to resolve this problem. The plain fact of the matter is that little progress was made during the past 4 years, and the current position of the administration holds little hope for much progress during the President's current term of office. The administration and the Department of Energy continue to only pay lip service to the problem without offering any meaningful alternative to the solutions proposed in S. 104.

S. 104 is the fulfillment of the promise of Congress to the American people and will begin the process of putting in place storage facilities for spent nuclear fuel. We must continue to find solutions to potential problems created in the 20th century before we begin to build bridges to the 21st century. In preparing for our future, we must clearly remain focused on the present.

The fact is, simply stated, that this country has 109 nuclear powerplants operating and providing more than 20 percent of our electricity in a process that produces no harmful air emissions. We have the responsibility, in return, to ensure that the nuclear waste from those facilities and from defense-related activities is safeguarded and managed in a reasonable and reliable manner. This isn't a decision to impose upon future generations. It is a decision that is our responsibility to make now.

In closing, I would like to commend Senators MURKOWSKI, CRAIG, and all those who cosponsored and worked for the passage of S. 104 for their diligence in pressing forward and recognizing the importance of achieving bipartisan support to enact meaningful reform for the benefit of the American people. Finally it appears that we are going to pass the legislation which would carry out the intent of that act. If we do not, it would be another 15 years before we would get a final result and billions more dollars. We need to act on this legislation. I am assured that the House is going to act this year, and we can send this legislation to the President for his hoped-for signature or his veto, if he feels so inclined. But I think it is a very important issue. This is in my opinion the most important environmental issue that faces this country. We have nuclear waste in temporary sites in cooling ponds in States, buried in South Carolina, Vermont, in my own State of Mississippi, Idaho, Minnesota, and from the shores of the Atlantic to the shores of the Pacific. This waste is there and we need action. We need it now.

This legislation has been carefully drafted. The concerns that have been raised about transportation are properly addressed here.

Madam President, I urge my colleagues to support this very carefully crafted legislation.

#### MORNING BUSINESS

Mr. LOTT. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO THE RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES ON THE OCCASION OF THEIR 75TH ANNIVERSARY

Mr. THURMOND. Madam President, just across the street from the east front of the U.S. Capitol stands the Minute Man Memorial building, which houses the Reserve Officers Association of the United States, one of the most patriotic and self-sacrificing organizations in the Nation. This year marks the association's 75th anniversary, and its origins, history, and accomplishments are all well worth remembering.